

Applicant: Marcus AMBERSON et al.  
Serial No. 1-12,4  
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REMARKS

Claims 1-17 were pending in this application. Claim 1-3, 6, 10, 11, 14, 16 and 17 have been amended and new claims 18 and 19 have been added. Accordingly, claims 1-17 are presently being examined.

Applicants herein have amended claims 1, 14, 16, and 17 to more clearly recite that: (1) within the sequence of images captured according to the present invention, each image of a subset of the images includes at least a portion of a bar code; (2) edges detected in each of these images are used to determine possible displacements of each image relative to another image in the subset; (3) the most probable sequence of displacements for each image relative to at least one other image in the subset is determined; and (4) from the most probable sequence of displacements and the sequence of images, bar code data is reconstructed. Support for these amendments can be found, *inter alia*, from page 12, line 17 to page 13, line 22, from page 17, line 17 to page 18, line 2, and in Figs. 8a-1a, 8a-6a and 8a-8b of the subject specification.

Also, to provide proper antecedent bases, claim 1 has been amended to recited "each" image instead of "the" image; claim 3 has been amended to recite "a first image"; claim 4 has been amended to recite "a first" and "a second image pair" instead of "the first" and "the second image pair"; and claim 11 has been amended to recite "a last image" instead of "the last image". Support for these amendments can be found, *inter alia*, in the claims themselves and the claims in which these claims depend.

In addition, new claims 18 and 19 have been added to recite



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with respect to the edges are determined from the detected edges so that the sequence of these images can be used to reconstruct the bar code data.

In contrast, while the He patent may capture a "sequence of two-dimensional images" of entire bar codes, such capture is not in the manner taught by the subject invention. Indeed, the He patent is silent on how any particular entire bar code image is captured, see from column 3, line 37 to column 4, line 15 of the He patent. All that the He patent teaches is that the entire bar code is acquired by a "CP reader" and then the interpretation of the captured image begins. Thus, applicants respectfully submit that the He patent fails to teach or suggest reconstruction of bar code data from a sequence of two-dimensional images in which each image of a subset of the sequence includes only a portion of the bar code, the edges of each portion of the bar code determined in each image for the reconstruction, and therefore, the He patent does not anticipate the subject invention as recited in each of amended independent claims 1, 1a, 1c, and 1P for at least this reason.

Furthermore, applicants respectfully submit that U.S. Patent No. 6,267,293 to Dwinell et al. ("Dwinell patent") and U.S. Patent No. 5,694,805 to Fleck ("Fleck patent"), which are cited in Office Action to reject dependent claims 4 and 14 (see below), do not anticipate the subject invention as recited in each of amended independent claims. Although the Dwinell patent recites in its abstract that a bar code from a sequence of "sweeps or sweeps", the sweeps are one-dimensional, see for example, Fig. 4A of the Dwinell patent. In contrast, the invention of the subject invention as recited in the amended independent claims is two-dimensional, and there-

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applicants respectfully submit the He patent alone, or in combination with the other art cited in the Office Action, would not lead one of ordinary skill in the art to achieve the subject invention as recited in the independent claims for at least these reasons.

Claims 2-4, 8-9, 11, 12, and 14 depend, either directly or indirectly, on one or more independent claims. Accordingly, because a claim which depends on another claim is subject to all the limitations of that other claim, applicants respectfully submit that claims 2-4, 8-9, 11, 12 and 14 are not anticipated by the He Patent for at least the same reasons discussed above with respect to the amended independent claims.

In view of the remarks above, applicants respectfully request that the rejection of claims 1-4, 8-9, 11-13 and 15-17 as being anticipated by the He Patent be reconsidered and withdrawn.

Sections 3, 4, and 7 of the Office Action rejected under 35 U.S.C. §103(a): (1) claim 4 (Section 3) as being unpatentable over the He Patent in view of the Dwinell patent; and (2) claim 14 (Section 4) under 35 U.S.C. §103(a) as being unpatentable over the He Patent in view of the Fleske patent.

More specifically, the Office Action reiterated the reasons for the rejections of these claims set forth in Sections 6 and 7, respectively, of the prior Office Action, and also stated that these rejections are based on the fact that the art can contemplate improvements over the subject matter recited in the He patent from these other patents, namely the subject matter recited in claims 4 and 14.

Applicants respectfully submit that the amendments made fully comply with the requirements of the Office Action, that

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subset of the dependent claims may appear in the prior art, the edges of each portion of the surface are described in each image for the reconstruction as taught by the subject invention and recited in amended independent claims 1 and 13, and in which claims 4 and 14 directly or indirectly depend.

Since a claim which depends on another claim is subject to all the limitations of the other claim, applicants respectfully submit that claims 4 and 14 are not unpatentable over the He patent in view of the Iwinell patent or the Plesko patent, whether taken alone or in combination, or at least the same reasons discussed above with respect to amended independent claims 1 and 13.

In view of the remarks above, applicants respectfully request that the rejection of claim 4 as being unpatentable over the He patent in view of the Iwinell patent, and the rejection of claim 14 as being unpatentable over the He patent in view of the Plesko patent, be reconsidered and withdrawn.

Sections 3 and 4 of the Office Action objected to claim 10 as being dependent upon a rejected base claim, but stated that claim 10 would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claim.

Applicants heretofore have amended claim 10 to include all the limitations of claims 1 and 9, upon which claim 10 directly or indirectly depends. Accordingly, applicants respectfully submit that, in view of the remarks above, amended claim 10 is allowable.

In view of the amendment to claim 10 and the remarks above, applicants respectfully request that the rejection of claim 10 as being dependent upon a rejected base claim be reconsidered and withdrawn.

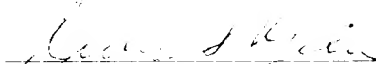
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reconsidered and withdrawn, and with the following claims 1-10, as amended.

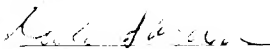
If a telephone interview will be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

No fees, other than the fee for an additional independent claim, are deemed necessary in connection with the filing of this Amendment. However, if any such fees are required, authorization is hereby given to charge the amount of any such fees to Deposit Account No. 00-1111.

Respectfully submitted,

  
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